

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RALPH W. BAKER, JR.,

Plaintiff,

-against-

TA-NEHISI P. COATES, et al.,

Defendants.

USDC SDNY
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DATE FILED: 9/27/2022

22-CV-7986 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff Ralph W. Baker, Jr. brings this action *pro se*;

WHEREAS Plaintiff filed an application to the Court requesting *pro bono* counsel, Dkt. 4;

WHEREAS when ruling on an indigent litigant's request for counsel, courts consider the merits of the case, the litigant's efforts to obtain a lawyer, and the litigant's ability to gather the facts and present the case if unassisted by counsel, *see Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989); *Hodge v. Police Officers*, 802 F.2d 58, 60-62 (2d Cir. 1986); and

WHEREAS of these factors, the merits of the case is "[t]he factor which command[s] the most attention," *Cooper*, 877 F.2d at 172;

IT IS HEREBY ORDERED that because it is too early in the proceedings for the Court to assess the merits of the action, Plaintiff's motion for counsel is DENIED without prejudice to renewal at a later date.

IT IS FURTHER ORDERED that the Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-

45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 27, 2022
New York, New York



VALERIE CAPRONI
United States District Judge